

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

United States of America,

Plaintiff,

V.

Jacob Bradley Demarais,

Defendant.

Case No. 1:21-cr-00130

MOTION FOR PRETRIAL RELEASE

[1] COMES NOW, Defendant, Jacob Bradley Demarais, by and through his attorney, Patrick Brooke, moves the Court for pretrial release in the above-referenced case to allow Mr. Demarais to enroll and complete psychosexual related dysfunction treatment at Alpha Human Services in Minneapolis, Minnesota.

[2] A Detention hearing was held on June 22, 2021. At that time, the Court indicated that Mr. Demarais overcame the rebuttable presumption of detention but found there was not a condition or combination of conditions that would reasonably assure Mr. Demarais' appearance. Specifically, the Court had concerns over monitoring his residence, internet restriction, and general ability to contact minors. However, through extensive review of placement options to address the Court's concerns, Alpha Human Services was identified as a suitable facility. *See* Exhibits A-B. Alpha Human Services is a specialty treatment center that provides residential therapy, specializing in treatment for most categories of sexually deviant offenders. *See* Exhibit B. The program is highly structured and provides for group and individual therapy, and 24 hour supervision with head counts conducted every half hour. *See* Exhibit B. Accordingly, at this time, Mr. Demarais proposes pretrial release conditions with placement at Alpha Human Services in Minneapolis, Minnesota.

[3] For the past 17 years, Mr. Demarais has maintained professional employment at Burlington Northern Santa Fe Railway and has a history of extensive ties to the community. Mr. Demarais has lived in North Dakota since 2004 and has one son. Mr. Demarais has one past criminal charge relating to a violation of a restraining order (misdemeanor) related to a 2006 family law matter (custody case involving his son). Otherwise, he does not have a criminal history and is neither a danger to the public nor a flight risk. He understands the serious consequences if he fails to appear for any future proceeding, and respectfully requests the Court allow his enrollment and admission to Alpha Human Services.

[4] Additionally, prior to the detention hearing Pretrial Services conducted a bond interview with Mr. Demarais on June 16, 2021. Based on that interview, pretrial services recommended that Mr. Demarais be released on his Personal Recognizance with conditions. Mr. Demarais would have no issues with the conditions recommended by Pretrial Services.

[5] The proposed pretrial release date would commence as soon as possible. Mr. Demarais can enter treatment immediately upon release. *See* Exhibit A. On July 16, 2021, Mr. Demarais was moved from his place of detention in Bismarck, North Dakota to Akron, Colorado. If granted, Mr. Demarais will provide airline travel confirmation and itinerary to Pretrial Services and arrange for travel to Minneapolis, Minnesota within 24 hours of release. Mr. Demarais would be required to immediately check into the facility and provide pretrial services with proof regarding the same.

[6] Due to the nature of the charges, Mr. Demarais is seeking treatment and is eligible to commence treatment at Alpha Human Services at any time. *See* Exhibit A. The current *per diem* rate for participation in the program is \$148.80 with a down payment equal to 45 days of placement. *See* Exhibit B. Mr. Demarais has arranged to pay the costs associated with this treatment.

[7] Alpha Human Services' residential program is 13-18 months, during which time he would not be allowed to work in the community. *See* Exhibit A. Following that time, Mr. Demarais would be eligible to participate in the 12+ month post-residential phase of living in the community and residing with peers from treatment while attending weekly sessions. *Id.* Alpha Human Services is licensed by the Minnesota Department of Corrections as a minimum-security facility and provides 24-hour supervision. *Id.* Upon completion of treatment, Mr. Demarais will turn himself back into the custody of the U.S. Marshals.

Dated this 21st day of July, 2021.

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